

**32B-5-201 Application requirements for retail license.**

- (1)
  - (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.
  - (b) Violation of this Subsection (1) is a class B misdemeanor.
- (2) To obtain a retail license under this title, a person shall submit to the department:
  - (a) a written application in a form prescribed by the department;
  - (b) a nonrefundable application fee in the amount specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license for which the person is applying;
  - (c) an initial license fee:
    - (i) in the amount specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license for which the person is applying; and
    - (ii) that is refundable if a retail license is not issued;
  - (d) written consent of the local authority;
  - (e) a copy of the person's current business license;
  - (f) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202;
  - (g) a bond as specified by Section 32B-5-204;
  - (h) a floor plan, and boundary map where applicable, of the premises of the retail license, including any:
    - (i) consumption area; and
    - (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;
  - (i) evidence that the retail licensee is carrying public liability insurance in an amount and form satisfactory to the department;
  - (j) evidence that the retail licensee is carrying dramshop insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
  - (k) a signed consent form stating that the retail licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises of the retail licensee;
  - (l) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
  - (m) any other information the commission or department may require.
- (3) The commission may not issue a retail license to a person who:
  - (a) is disqualified under Section 32B-1-304; or
  - (b) is not lawfully present in the United States.
- (4) Unless otherwise provided in the relevant part under Chapter 6, Specific Retail License Act, the commission may not issue a retail license to a person if the licensed premises does not meet the proximity requirements of Section 32B-1-202.

Enacted by Chapter 276, 2010 General Session